

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Kenneth I. Cumming
Application No.: 09/510,560
Filing Date: February 22, 2000
For: SOLID ORAL DOSAGE FORM CONTAINING AN ENHANCER

Confirmation No. 3011
Examiner: Jeffrey S. Lundgren
Group Art Unit: 1639

September 4, 2009

Mail Stop Amendment
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT COVER LETTER

Sir:

Attached is an Information Disclosure Statement listing of documents, together with a copy of any listed foreign patent document and/or non-patent literature. A copy of any listed U.S. patent and/or U.S. patent application publication is not provided herewith in accordance with 37 C.F.R. § 1.98(a)(2)(ii).

In accordance with **37 CFR 1.97(b)**, the information disclosure statement is being filed:

- (1) within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
- (2) within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
- (3) before the mailing of a first Office Action on the merits; or
- (4) before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.

In accordance with **37 CFR 1.97(c)**, the information disclosure statement is being filed after the period specified in 37 CFR 1.97(b) above, but before the mailing date of any of a final action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:

- (1) The statement specified under **37 CFR 1.97(e)**, as follows:
 - Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
 - No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement; or
- (2) The fee set forth in §1.17(p);

In accordance with **37 CFR 1.97(d)**, the information disclosure statement is being filed after the period specified in 37 CFR 1.97(c) above, but on or before payment of the issue fee, and is accompanied by **both** of the following:

(1) The statement specified under **37 CFR 1.97(e)**, as follows:

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; **or**

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement; **and**

(2) The fee set forth in §1.17(p);

Citation No. 8 (WO 05/055973) is in the German language. Citation No. 6 is an English language equivalent of Citation No. 8.

In accordance with **37 CFR 1.97(g)**, the information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with **37 CFR 1.97(h)**, the information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b).

The Director is hereby authorized to charge the fee specified in 37 C.F.R. § 1.17(p), and any fee deficiency or credit any overpayment, to Deposit Account No. 50-0220; **or**

No fee is believed due. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,


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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on September 4, 2009.

Name: Marthenn Salazar